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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert A. Holton et al.

Art Unit 1625

Serial No. 10/765,692

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For 14-HYDRIDO-9 $\beta$ -HYDROXYTETRACYCLIC TAXANES

Examiner Amelia A. Owens

September 22, 2004

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER PRIOR PATENTS**

TO THE COMMISSIONER FOR PATENTS,

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The owner, Florida State University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,066,747 and Patent No. 6,495,704 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

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2. ☒ The undersigned is an attorney of record.

Date 9/22/04

  
Signature

Edward J. Hejlek  
Typed or Printed Name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged

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